

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Chad D. Nudd
Debtor(s)

Bankruptcy Case No.: 19-10331-TPA
Per Proceeding held June 9, 2020
Chapter: 13
Docket No.: 55 – 45, 48
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 24, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$515.00 as of June, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: 1) The secured claim(s) of the following Creditor(s) shall govern, and then following all allowed post-petition payment change notices filed of record: PNC (Claim No. 2).
2) The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified Plan terms: Stapleford and Byham, LLC (Claim No. 3).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: June 11, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Chad D. Nudd
 Debtor

Case No. 19-10331-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 34

Date Rcvd: Jun 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 13, 2020.

db
 15026291 +Chad D. Nudd, 1311 1/2 Sill Street, Warren, PA 16365-2011
 15040482 +Andrea L. Stapleford Esq., 600 Market Street, Warren, PA 16365-1326
 15026292 +Atlantic Broadband, 2200 Beale Avenue, Altoona, PA 16601-1927
 15040485 Cach Llc/resurgent Cap, C/o Resurgent Capital Services, Greenville, SC 29602
 15126293 +City Of Warren, 318 W 3rd Ave, Warren, PA 16365-2388
 15040488 +City of Warren, % PA Municipal Service Co., 336 Delaware Ave, Oakmont, PA 15139-2138
 15027604 +Michelle Saver, 211 Cray Avenue, Sheffield, PA 16347-3105
 15026298 +Orion, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15040493 +PA American Water, PO Box 371412, Pittsburgh, PA 15250-7412
 15044302 +PA SCDU, PO Box 69110, Harrisburg, PA 17106-9110
 15026299 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 +Penelec, C/O FirstEnergy/Penelec, 101 Crawford's Corner Rd., Bldg. #1, Ste. 1-511, Holmdel, NJ 07733-1976
 15040494 Penelec, 76 South Main Street, A-RPC, Akron, OH 44308-1890
 15026300 +Penelec, PO Box 3687, Akron, OH 44309-3687
 15026302 +Pennsylvania Municipal Authority, 336 Delaware Avenue, Dept U-510-A, Oakmont, PA 15139-2138
 15026303 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
 15040499 +Progressive Insurance, 6300 Wilson Mills Rd, Mayfield Village, OH 44143-2182
 15026305 Trident Asset Manageme, 10375 Old Alabama Rd Ste, Alpharetta, GA 30022
 15026306 Warren Co Drs, 4th And Market Sts, Warren, PA 16365

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 12 2020 03:36:45
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15065316 E-mail/PDF: resurgentbknnotifications@resurgent.com Jun 12 2020 03:47:41 CACH, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15040484 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 12 2020 03:36:40 Capital One,
 PO Box 71083, Charlotte, NC 28272-1083
 15026293 +E-mail/Text: bankruptcy_notifications@ccsusa.com Jun 12 2020 03:30:53
 Credit Collection Serv, Po Box 607, Norwood, MA 02062-0607
 15060240 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 12 2020 03:30:29 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15029145 E-mail/PDF: resurgentbknnotifications@resurgent.com Jun 12 2020 03:35:01 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15026294 +E-mail/PDF: resurgentbknnotifications@resurgent.com Jun 12 2020 03:35:02 Lvnv Funding Llc,
 Po Box 1269, Greenville, SC 29602-1269
 15040489 +E-mail/PDF: cbp@onemainfinancial.com Jun 12 2020 03:35:29 One Main, PO Box 183172,
 Columbus, OH 43218-3172
 15026295 +E-mail/PDF: cbp@onemainfinancial.com Jun 12 2020 03:34:40 Onemain, Po Box 1010,
 Evansville, IN 47706-1010
 15026296 +E-mail/PDF: cbp@onemainfinancial.com Jun 12 2020 03:35:28 Onemain Financial, Po Box 1010,
 Evansville, IN 47706-1010
 15040491 +E-mail/Text: csc.bankruptcy@amwater.com Jun 12 2020 03:30:54 PA American Water,
 PO Box 578, Alton, IL 62002-0578
 15026297 +E-mail/Text: csc.bankruptcy@amwater.com Jun 12 2020 03:30:54 Pennsylvania American Water,
 PO Box 578, Alton, IL 62002-0578
 15026304 +E-mail/Text: bankruptcy@sccompanies.com Jun 12 2020 03:31:01 Seventh Avenue, 1112 7th Ave,
 Monroe, WI 53566-1364
 15040502 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jun 12 2020 03:29:33
 Verizon, 500 Technology Drive Suite 30, Weldon Spring, MO 63304-2225
 15063419 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 12 2020 03:47:46 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 PNC BANK NATIONAL ASSOCIATION
 15040481* +Andrea L. Stapleford Esq., 600 Market Street, Warren, PA 16365-1326
 15040483* Cach Llc/resurgent Cap, C/o Resurgent Capital Services, Greenville, SC 29602
 15040486* +Credit Collection Serv, Po Box 607, Norwood, MA 02062-0607
 15040487* +Lvnv Funding Llc, Po Box 1269, Greenville, SC 29602-1269
 15040490* +Onemain, Po Box 1010, Evansville, IN 47706-1010
 15040492* +PA American Water, PO Box 371412, Pittsburgh, PA 15250-7412
 15040496* +Penelec, 331 Newman Springs Rd., Building 3, Red Bank, NJ 07701-6771
 15040495* +Penelec, PO Box 3687, Akron, OH 44309-3687
 15040497* +Pennsylvania Municipal Authority, 336 Delaware Avenue, Dept U-510-A, Oakmont, PA 15139-2138
 15040498* +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
 15040500* +Seventh Avenue, 1112 7th Ave, Monroe, WI 53566-1364
 15040501* Trident Asset Manageme, 10375 Old Alabama Rd Ste, Alpharetta, GA 30022
 15040503* Warren Co Drs, 4th And Market Sts, Warren, PA 16365

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Total Noticed: 34

Date Rcvd: Jun 11, 2020

15026301 ##+Penelec, 331 Newman Springs Rd., Building 3, Red Bank, NJ 07701-6771

TOTALS: 1, * 13, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
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Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 13, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 11, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Chad D. Nudd ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4